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Human Rights Council
Twenty-ninth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-11218 (E)
1511218

Please recycle

The ill prisoners in Al-Ramlah Jail

The hospital of AL-Ramlah Jail locates inside AL-Ramlah Jail, and it is considered one of its sections. It includes 8 rooms for 16 security Palestinian prisoners who permanently have to stay there; they are the prisoners who have chronic illnesses. This prison is considered the most dangerous jail among all the occupation jails.

There are also tens of prisoners who go to that jail for days or weeks to be checked and given some relieving medicines. Not only don't the prisoners in AL-Ramallah Jail get appropriate treatment for their illnesses, but also they are treated harshly as other prisoners in other jails, so they are subject to oppression, investigation, continuous punishment, possessions forfeit, and even sometimes medicine ban. The prisoners in that jail called it Al-Ramallah butchery not a hospital since it lacks minimum needs of health life; really it doesn't offer any medication..

The prisoners in AL-Ramallah Jail suffer from hard and serious health conditions that make them sleep about 22 hours daily due to their pains. Most of them are handicapped moving on wheelchairs, and they are always subject to a deliberate medical carelessness. They are only given relief medicines and some hypnotic, so most of them are greatly endangered. As evidence, no any recovery for any prisoner has been documented.

The AL-Ramallah Jail is not qualified either in its structure or in its services, so the prison administration transports now and then the hard cases of some sick prisoners to other hospitals inside "Israel" state. More dangerously, the occupation authorities try to kill the prisoners psychologically and even physically due to primarily the media in the hospital that helps in spreading some infections, then the policy of medical carelessness, and at last the malnutrition offered by the authorities and the depriving policy.

The occupation authorities don't give the AL-Ramallah Jail any specialty as a shelter for endangered patients. The sick prisoner "Reyad Al-Ammour", who suffers from cardiac disorders for many hours in hospital of AL-Ramallah Jail assures that the prison administration applied some training for the oppressing forces (SPECIAL FORCES) in the sick prisoners' rooms in the hospital of AL-Ramallah Jail. These trains happened at midnight when the units attacked the rooms and disarranged the prisoners' possessions. Those operations lasted for 4 hours.

Also some oppressing units of the prisoners called "AlMitsada" attacked the prisoners' rooms and seek operations lasted for 5 hours. After they had left, the prisoners began tidying their possessions.

Wrong prescription

The occupation crimes is not limited in not giving them suitable medicines, but it also deliberately prescribes wrong drugs that are irrelevant to their health problems, so this matter aggravates their conditions as what happened with the prisoner "Khaled Hasan Abdelallah Al-Kadi" 35 years old, from Rafah in Gaza Stripe. This prisoner was infected with hepatitis in his kidney due wrong prescription.

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GE.15-11219 (E)

1511219

Please recycle

Certificates of ill prisoners in the Prisons of the Israeli Occupation

The tale of prisoner "Al-Kadi" started in mid-2013 when felt with severe pains in his tummy in Eishel Jail. After testing him, the prison doctor gave him a medicine without diagnosing him seriously. Consequently, he began to fell with dizziness, and then started vomiting. After taken to Soroka Hospital, the doctors assured he had a severe hepatitis.
The prisoner "Thaer Aziz Halaila witnessed that Al-Kadi had this infection deliberately by the doctor of the prison authorities. Thaer said that Al-Kadi suffered a hard ailment during investigation in Askalan Jail, and he felt with pains in his liver from the right side and other pains in the back and teeth, so he was taken to the prison clinic where he had blood and tooth tests. While treating him, the doctor used unsterilized tools. Thaer said: "I saw on him traces of blood." Later, it was shown he had infection in his liver due to the irresponsible actions in the clinic. In Askalan Jail, he was given 250 pills in one month.".
The certificate of the ill prisoner Ali Shalalda
The liberated prisoner Ali Shalalda (62 years old), described Al Ramlah Jail hospital where he spent 15 years of his 20 year sentence in arrest that it is really like a refrigerator for keeping the prisoners and insulting their dignity.
In that jail he never saw a "cold moment", but he saw death by naked eyes since five prisoners were martyred silently in the hospital; no care, no suitable medication.
He clarified that in that hospital there are about 20-30 prisoners who suffer from chronic illnesses, partial paralysis, leg handicap in addition to tens of prisoners who come daily to the hospital to emergent treatment for some normal infections. The hospital of the prison is supervised by a practitioner and one nurse, and most times the doctor gives relief drugs for all diseases and pains in the time and way of his own. Shalalda added: "They don't handle you as a sick prisoner, but as a dangerous security prisoner." They chain the prisoner when he wants to get outside the hospital to complete his treatment..

The certificate of the Akram Al-Rikhawi
The liberated prisoner Akram Al-Rikhawi, 42 years old, had spent 8 years in Al-Ramlah Hospital before he was released in February 2013. He was suffering from asthma, diabetes, and cholesterol in his blood. He witnessed the martyrdom of five sick prisoners who were in that hospital. Akram witnessed the period he lived there and the hard conditions that surrounded the prisoners.
He says: witnessing death and hearing the sound of pains surrounded every corner of that place which is called "Hospital". The prisoners there have been exhausted by infections and carelessness and are living in worrying conditions and continous pain since their spirits, bodies and hygiene rights are assaulted and violated. He say: The hospital of Al-Ramllah Jail is not even a clinic.
This hospital is not different from other prison sections; they are similar in oppression and violation of humanity. In the room, 5m length and 6 m width, there are ten prisoners who use this room as a kitchen, bathroom… we were sleeping on the sounds of the pains and cries of those sick people, among them were paralyzed.
The doctor who monitors the prisoners is an unsuccessful scholar who failed at the academy in "Israel". He works a security and intelligent officer who lacks any humanity. He tries to blackmail the patients when he offers to cure them in return to recruit them. Yep he trades with human's pain, but the Palestinian will is stronger than all temptation.
Al-Rikhawi adda:
15 of sick prisoners are helped by one well prisoner, so let's imagine if nine paralyzed prisoners want to use the bathroom every morning! The occupation really practices all types of medical carelessness since it was deliberately retarding to diagnose the prisoner who was suffering from pains. The prisoners needed years to be diagnosed, so the infections seize him and any treatment becomes in vain.
He says: I lived in the hospital of Al-Ramlaah Jail for about 9 years, and I saw that the prisoner who needed a simple surgery waits for about 2 years, so what about other serious infections!
Al-Rikhawi says:
I witnessed about 16 cases who passed away in the prison; most of them had cancer. He assures that the prisoner Mohammad Daida from Tol Karm was assassinated directly after three days of arresting him by the Israeli Intelligence. He was in a bad condition since he was shot during Arrest.

Also, the prisoner Zohair Labada was martyred after some days of releasing him, and that because of medical carelessness. He was delayed to have kidney dialysis, the matter that caused the liver stop function, so a medical committee decided to release him after knowing he will day after few days.
The prisoner Jomaa Al-Kayali died after he had been delayed to get out to ther clinic, while the prisoner Maysara Abu Hamdeye was suffering from pains that were really a cancer, but he didn't get good therapy, so he died. The prisoner Khaled Al-Shawish had a partial paralysis, and was taking 20 ml of opioid Analgesic, and after 4 years he began taking 120 ml to become as addiction. He couldn't spend an hour without feeling in pain.
The prison administration always tries to give the patient various kinds of drugs to lose his mind, self-confidence, and every meaning for life, so the doctor exerts no effort while the pain increases and the medicine becomes useless. There are 20 cases who are sitting on the climax of pain, and my words can't really express their conditions, so I am still affected by that scene.

Al-Rikhawi remembers the unit Nahshoun attacked the section and bared all the prisoners even the hardship cases. I could see the paralyzed prisoners whose clothes were taken off by force; the scene resembles terrorists' arrest. They were pulled on the ground with chained hands from their rooms to the yard; these are unforgettable scenes.
Shedding tears, Al-rikhawi comments:
The human is the most important, Al-Aqsa will survive and will be liberated, but if the prisoner dies, he won't be back, so we have to work to release them even the price is our lives and our sons' ones.
A meeting with the martyr, the prisoner Ashraf Abu Dr Drae before his martyrdom:
To observe the hard conditions of the prisoners in the Al-Ramlah Hospital and how they are insulted, we attach the details of a meeting between the head of Mandella Institute, the attorney "Bothaina Dokmak" and the prisoner Ashraf Abu Drae who died a month after the meeting. She visited him in 28-5-2012, and he died in 22-1-2013 due to medical carelessness.
She confirmed then that his health conditions are so bad because the administration disregarded his treatment, so he was offered only relief medicines despite he suffered from several hazardous diseases as muscular dystrophy in legs, and other serious pains in legs, the matter the led him move on a wheelchair.
The prisoner said to the attorney Dokmak:
In every moment, the administration tries hard we live in a hell of suffering as our arrest is enough, so it imposes on us serious measures. In this section we live the same conditions as other bad jails, so it is a hospital only by name.
Abu Drae certificates: the patients live with their reality of their so bad conditions that ban then from suitable treatment, but the conditions are worsening daily. He adds: three years ago, I was deteriorated, so a doctor from the institute "Doctors without borders" checked him, and recommended it is necessary I have normal treatment – 5 times a week-, but the prison administration didn't commit except one or twice a week.

An Arab member in the Kenessete criticizes the conditions in the hospital:
The deputy in the Kenessete, Dr. Afo Eghbarya criticizes vehemently the bad treatment that the sick prisoners get in the hospital of Al-Ramlah Jail. He said that this place is called sarcastically a hospital since it lacks the medical instruments and the special doctors, so the jailer is the doctor. What aggravates the matter- he says- is the lack of the suitable medicines for the hardship cases; there is only Aspirin.
Eghbarya said:
It is better for Israel to close this hospital to replace it with a new one that offers the complete medical services as the human rights demand. This hospital as a name shouldn't be exploited as an excuse to hide the oppressing policy against the Palestinian prisoners. He assures the necessity of adopting specialized doctors from the various official hospitals to offer the appropriate treatment in this bad hospital and also to offer the essential medical instruments that rehabilitate it into a hospital that offers the suitable medical watch as well as therapy.

Eghbarya discussed the matter of medical carelessness on the schedule of the Kenessete after Israeli press had uncovered documented information about the dangerous carelessness of the prison administration in offering therapy for the serious illnesses that the prisoners suffer from in the Israeli jails. This carelessness has secretly to the death of many prisoners as nothing happened.
Dr. Eghbarya said: according to the Palestinian prisoners are facing serious and risky health conditions that lead three of them in 2013 into death. The three prisoners are:

Maysara Abu Hamdeya, Arafat Jradat, and Hasan Torabi who has died lately in the hospital of Affola Jail. The Palestinian Prisoners who died in the Israeli jails due to bad conditions are 208 prisoners. This number is known by names by the security authorities. In addition, there are 1400 prisoners in the Israeli jails are suffering from hard different conditions. 170 prisoners need immediate and necessary surgeries, 85 of them suffer from various handicap, 25 had cancer without getting suitable treatment, and 16 prisoners spend their time in the hospital of Al-Ramlaah Jail. The danger of death threatens the lives of hundreds of prisoners if these deliberate conditions go on, and this what the governmental mainly "the security" cycles propose.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

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[21 May 2015]

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GE.15-11220 (E)
1511220

Please recycle

The occupation violates the heath rights of the arrest

It is so obvious that the occupation violates the human agreements which demand the appropriate treatment for the prisoners.

1. The occupation doesn't make for the prisoners periodic checking to discover early any infection that the prisoners may have. This deliberated policy aggravates their conditions that become hard to be treated.
2. The occupation tries slowly to kill the prisoners by adopting the policy of the medical carelessness, so they are destined to be killed by the devastating infections.
3. Al- Ramllah Hospital is not a real hospital, so the occupation practices inside it all kinds of oppression that endanger the prisoners' lives.
4. The occupation doctors deliberately prescribe sometime wrong medicines.
5. The occupation doesn't supply the prisoners the suitable treatment, the matter that worsens their conditions as time passes.
6. The occupation holds the complete responsibility about the death cases that happened either inside the jail or those outside it – of course that happened directly after release – and that's because they are caused by the prison policy.
7. The Israeli occupation is the only entity in the world where the doctor shares in torturing the prisoners and blackmailing them.
8. The prison clinics lack the specialized medical staff, even in some jails there is not any doctor. The doctors are often the jailers.
9. The clinics lack the essential medical instruments, and other instruments that are necessary for the patients.
10. There is information which indicates that the occupation makes experiments of some medicines or other medical instruments on the handicapped prisoners. This was announced by some Israeli leaders.
11. The occupation holds the complete responsibility of the many infections that the prisoners have after releasing them. These infections are due to the hard conditions of the prisons as well as the medicines given to them; these conditions and medicines increasingly endanger their lives even after release.

So we demand the international community:

1. Try seriously to close Al-Ramllah Hospital, and transport the sick prisoners to another hospital that gives real medical care.
2. Press the occupation to commit in offering the medical care for the prisoners as the international laws demand.
3. Try to prepare files that document the abusive actions of the occupation mainly those that caused permanent handicap to be shown at the international crime courts.
4. Propose that doctors of the jails commit with the ethics and measures of the profession as declared by health organizations and leagues mainly WHO (world health organization) and Doctors without Borders Organization far from doctors monitored by the prison authorities.
5. Offer the old aged prisoners (above 45) and others who have inherited infection the tests that discover cancer and hepatitis.
6. Make tests the prisoners over 40 years old and others who spend more than 5 years in the prison twice a year.
7. Supply the prisons with ambulances to take them to the hospitals.
8. Prepare medical forms filled by the attorneys' help for the prisoners suffering from chronic illnesses, and these forms are read and observed by specialists.
9. Press to release the endangered prisoners whose lives in the jails are threatened.
10. Make immediate surgeries for the prisoners who need them since a long time.
11. Supply the prison clinics with the necessary medical to check the prisoners, and the medicines needed.
12. Press the right organizations to offer the prisoners all needed wheelchairs as well as canes, medical eyeglasses, and artificial limbs.

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Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

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1511221

Please recycle

Saudi Arabia: is this what is to be expected of a UN Human Rights Council member (Part 2)?

This statement follows one to the 28th session of the Human Rights Council[1] about violations of rights to freedom of expression, peaceful assembly and association committed by the Saudi Arabian authorities over the past two years, including after Saudi Arabia was elected as Council member in November 2013 for the third time.

It focuses on concerns about discrimination against women and minorities, and the death penalty during the same period of time. A version published on the Amnesty International website includes longer footnotes and other additional information.[2]

Discrimination against Women

Despite some improvements in promoting women's rights in Saudi Arabia, particularly through allocating them 30 seats out of a total of 150 in the Shura Council and opening up a number of employment and other economic opportunities for them, women and girls are still subject to discrimination in law and practice, and in particular through the existing male guardianship system over women. The system enshrines in law women's subordinate status to men, particularly in relation to family matters such as marriage, divorce, child custody, and inheritance. Despite a government awareness-raising campaign launched in 2013 and a law criminalizing domestic violence adopted that same year, women and girls are inadequately protected against sexual and other violence and the law criminalizing domestic violence is yet to be applied partly due to the lack of competent authorities to enforce it.

During both the 2009 and 2013 Universal Periodic Review (UPR) sessions, the Saudi Arabian authorities accepted recommendations to abolish the male guardianship system over women, but no steps have been taken to that regard.[3]

Women who supported the Women2Drive campaign, launched in 2011 to challenge the prohibition on women driving vehicles, faced harassment and intimidation by the authorities, and were threatened with arrest and detention. Some were arrested but released after a short period. In early December 2014, Loujain al-Hathloul and Maysa al-Amoudi, two supporters of the campaign, were arrested at the border with the United Arab Emirates for driving their cars.

They were later charged with terrorism-related offences and released after spending 10 weeks in detention. They were apparently told when they were released that the case against them had been closed and they would no longer need to attend any court hearings. However, it remains unclear whether they were forced to make pledges and whether or not the charges against them have been dropped.[4]

In 2013, two prominent women's rights activists, Wajeha al-Huwaider and Fawzia al-Oyouni, were sentenced to 10-month prison sentences and two-year foreign travel bans for attempting to help a woman who was being abused and ill-treated by her husband.[5]

Discrimination against Minorities

Members of Saudi Arabia's Shi'a Muslim minority continue to face entrenched discrimination that limits their access to government services and employment, excludes them from senior government posts, and prevents them from freely

[1] UN index: A/HRC/28/NGO/19, AI index: MDE 23/1054/2015, 13 February 2015, https://www.amnesty.org/en/documents/mde23/1054/2015/en/.
[2] AI Index: MDE 23/1647/2015, https://www.amnesty.org/en/documents/mde23/1647/2015/en/ .
[3] For the 2009 session see A/HRC/11/23/Add.1, pp. 17-18 and for the recommendations see A/HRC/11/23.
[4] UA 208/14 (Index: MDE 23/1179/2015).
[5] UA 279/13 (Index: MDE 23/031/2013).

exercising their beliefs. Shi'a leaders and activists have faced arrest, imprisonment following unfair trials, and the death penalty.

Authorities routinely ignore when Sunni Muslim clerics on the government payroll and media close to the authorities incite hatred against the Shi'a and other religious minorities. Shi'a Muslims have been arbitrarily denied the right to build mosques and places of worship. In schools, Shi'a Muslims are also denied the right to teach and learn their own history and religious beliefs and instead must study Sunni religious instruction that in some of its forms and in some schools continues to dehumanize the Shi'a and refers to them as "infidels".

In May 2014, the Specialized Criminal Court sentenced Ali Mohammed Baqir al-Nimr to death after convicting him on charges that included demonstrating against the government, possession of weapons and attacking the security forces. He denied the charges and told the court that he had been tortured and forced to "confess" in pre-trial detention. The court convicted him without investigating his torture allegations, and sentenced him to death although he was 17 at the time of the alleged offences.[6]

In October 2014, Ali al-Nimr's uncle, Sheikh Nimr al-Nimr, a Shi'a cleric from Qatif, was sentenced to death by the Specialized Criminal Court. The cleric's trial, which commenced on 25 March 2013, was deeply flawed. He was denied the most basic tools to prepare for his defence and to respond to the charges, including regular access to his lawyer and a pen and paper. The defence could not cross-examine key witnesses or call them in court, in violation of Saudi Arabia's own laws and international law and standards on fair trial, and his lawyer was not informed of the dates of a number of court hearings.[7]

In August 2014, the Specialized Criminal Court sentenced another prominent Shi'a cleric, Sheikh Tawfiq al-'Amr, to eight years in prison, to be followed by a 10-year ban on overseas travel and a ban on delivering religious sermons and public speeches. The same court had sentenced him, on 17 December 2012, to three years' imprisonment, followed by a five-year travel ban, but the Court's Appeal judge sent the case back recommending a harsher sentence. Sheikh Tawfiq al-'Amr had been expected to be released on 1 December 2012, but was not because he refused to sign a pledge that, among other things, he would no longer deliver religious sermons, including during Friday prayers.[8]

The Specialized Criminal Court sentenced other Shi'a activists for their alleged participation in the protests of 2011 and 2012. At least seven received death sentences in 2014 alone, and many others received long prison terms.

The Death Penalty

During the first five months of 2015, there has been a surge in executions. The Saudi Arabian authorities have executed at least 80 persons, a number close to the 90 executions recorded for the whole of 2014. Executions are usually carried out by beheading with a sword, often in public.

Amnesty International deplores that courts in Saud Arabia continue to impose death sentences for a range of offences, including some which, under international standards, either do not meet the criteria for "most serious crimes", such as drug-related offences; or which should not even be criminal offences, such as "sorcery", "adultery" and "apostasy". These sentences are frequently imposed after unfair trials and sometimes based solely on "confessions". There have been cases where defendants alleged that they had been tortured or otherwise coerced or misled into giving false confessions in pre-trial detention. These "confessions" were later used to sentence them to death.

In the past two years, Saudi Arabia has executed at least three juvenile offenders, in blatant disregard of its obligations as a state party to the Convention on the Rights of the Child and against customary international law, which prohibit the use of the death penalty on anyone aged under 18 at the time of the crime.

[6] UA 143/14 (Index: MDE 23/014/2014).
[7] UA 271/14 (Index: MDE 23/028/2014).
[8] UA 242/11 (Index: MDE 23/006/2015).

Saudi Arabia's Supreme Court recently confirmed in a statement dated 17 February 2015, that sentences, including death sentences where the punishment is left to the judge's discretion – a category that includes drug-related offences - can be handed down based solely on suspicions and even if it cannot be proved beyond reasonable doubt that the suspect committed the crime.

Saudi Arabia uses the death penalty disproportionately against foreign nationals, especially migrant workers from poor and developing countries in Asia and Africa. In 2014, out of 90 persons executed, at least 37 were foreign nationals. Out of at least 2,107 people executed in Saudi Arabia between 1985 and 2014, at least 1,028 were foreign nationals – almost half. Foreign nationals with little or no knowledge of Arabic – the language of pre-trial interrogation and trial hearings – are often denied adequate interpretation facilities even when facing capital punishment.

Recommendations

Amnesty International urges the HRC members and observer states to raise the concerns in this statement in HRC debates and in bilateral dialogues with the Saudi Arabian delegation; and in particular to call on Saudi Arabia to:

- fulfil its UPR commitment to abolish the system of male guardianship over women, repeal or amend other legislation that discriminates against women, and enact and enforce comprehensive and effective legislation to abolish discrimination against women;
- put an end to discrimination, intimidation, harassment and detention without charge or trial of members of the Shi'a community and uphold their rights to practice their religion and to peaceful assembly;
- pending full abolition of the death penalty, stop using the death penalty on anyone under the age of 18 at the time of their alleged offence;
- ensure that defendants receive a fair trial in proceedings that ensure the most rigorous compliance with international standards for fair trial, at least equal to Article 14 of the International Covenant on Civil and Political Rights, and without resort to the death penalty;
- restrict the scope of the death penalty to intentional killing, in line with international law and standards on its use;
- establish a moratorium on all executions with a view to abolishing the death penalty; and
- accept outstanding visit requests and agree visit dates for UN Special Procedures,[9] and implement fully and promptly HRC election pledges and accepted UPR recommendations and commitments.

[9] http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsN-Z.aspx

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Written statement* submitted by Terre Des Hommes Federation Internationale, a non-governmental organization in special consultative status

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Please recycle

Human rights of migrant children

Recent years have seen a record number of people on the move, whether internally of across borders. A recent study shows that 38 million people have been displaced within their own country by conflicts or violence, these are the worst figures for forced displacement in a generation. [1] Regarding the Mediterranean area, a record number of 219'000 people crossed the sea in 2014 in smugglers' boat and 3'500 are reported to have died. Around half of them were refugees fleeing war and persecution, many of them were children, pregnant women and young people. In 2014, among the total number of undocumented migrants who arrived in Europe, 15% were children and 25% of the total number of asylum applications in Europe has been filed by children.[2] So far in 2015, some 62'500 people have crossed the Mediterranean and at least 1'800 have died. [3] According to an official projection from the Italian Government, 5000 migrants per week will disembark on the sole costs of Sicily until September 2015.

Behind these global figures there are personal stories, tragedies but also people moving in search for a decent life and migrants who have the potential to bring to their destination the richness of their culture and motivation.

Since the "Lampedusa tragedy" in 2013, Terre des Hommes has been reiterating that migrant tragedies in the Mediterranean Sea are not "an emergency", but will continue to occur on a regular basis as a result of conflicts, insecurity and of an inadequate security-based European migration policy. Through its intervention in Sicily, Terre des Hommes continues to promote a resourced, coordinated, rapid and dignified resettlement system of children and youth across Europe. However, another major worry today is the increasing number of children and youth escaping from their first temporary reception centres in South Italy. They escape to reach another European destination, but also because they simply do not get access to their right to asylum in the country where they want to stay for their future life, and they do not receive the adequate care they need once they arrive.

Despite the seriousness of the situation, the EU is taking time in formulating its policy solutions. The new European Agenda on Migration will be submitted to the next European Council in June. Terre des Hommes hopes that the final text will contain important, progress on crucial measures. Terre des Hommes expects to see as a minimum, measures aiming at opening of legal channels for migrants to enter Europe safely and restart serious operations to save lives at Sea. Terre des Hommes follows closely also the discussions on a binding system of quotas for migrants throughout the EU 28 (also better known as a "burden sharing" system). It calls on again to European Heads of States and Governments to recognise that it is a European responsibility, and not the sole duty of external border countries like Italy, nor the one of few countries like Germany or Sweden that already host higher proportion of migrants than other countries in Europe. It also considers that the proposed system of "binding burden sharing" proposed by the European Commission cannot be coherently applied without the overcoming and revision of the current Dublin Asylum system. As far as the EU keeps on applying Dublin, the burden of asylum applications procedures will stay with the frontline countries whereas this must also be implemented by all European countries whatever the first arrival country is.

Furthermore, as a child rights organisation, Terre des Hommes demands for a specific set of measures tackling the vulnerability of children and youth, as they represent an important part of survivors arriving at European borders and applying for asylum in Europe in general. Terre des Hommes calls for an adapted and child-focused EU migration and mobility policy, including protection measures from the very first arrival of the child until a long-term solution, based on the best interests of the child, is found. Increased measures of child protection in countries of origin should also be supported as integral part of this strategy. Moreover, though the EU Agenda on Migration will focus mainly on international cross-border migration towards Europe, Terre des Hommes continues to call for enhanced protection of European children on the move within the EU as they are also often at risk of exclusion and exploitation.

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[1] Source : International Displacement Monitoring Centre
[2] Source : Frontex
[3] Source : UNHCR

In this regard, Terre des Hommes strongly welcomes and subscribes to the recent positions taken by the Special Rapporteur on the Human Rights of Migrants including on the new European Agenda on Migration. Human Rights protection should be at the core of any policy on migration management, within EU and outside it.

Linking Migration and Development

Terre des Hommes considers that a new EU Agenda on Migration cannot be limited to responding to migration "crises" or to a strict security and border control logic. The EU must address the root causes of such migration, war, violence, human rights violations and permanent instability in Africa and Middle East. The EU must review both its Neighbourhood policy (process ongoing) but also its Development Cooperation Agenda towards more investment in inclusive development, decent work, social protection and human rights in countries of origin of migrants. In brief, the EU must move from a pure security and border control logic towards a long term strategy for sustainable local development and poverty eradication, and better link its Development and Migration Agenda.

Protecting children on the move

For the respect of the rights of children on the move, Terre des Hommes and partners are running the ***Destination Unknown*** **Campaign** launched in 2012. [4] The Destination Unknown Campaign runs 135 projects in 50 countries addressing the rights of 280'000 children on the move. It raises awareness about violations of the rights of children on the move – including unaccompanied minors - who are fleeing war, poverty and violence. The Campaign also advocates for adequate policy changes enabling effective protection measures and to provide concrete solutions for these children who left their home, particularly those vulnerable to abuse, violence, exploitation and discrimination. The Campaign is rooted in ten demands to states and other relevant actors, including that children on the move are entitled to protection based on their best interests in accordance with the Convention on the Rights of the Child, independently of their migration status, gender, age, health, nationality, religious or cultural belongings or any other ground. Terre des Hommes and the Destination Unknown Campaign ensure coherence in the demands as member of the Inter Agency Group on Children on the Move, the Inter Agency Group to End Child Immigration Detention and a number of global, regional and national coordination mechanisms.

With the recent tragic surge in the number of deaths at sea of migrants attempting to reach Europe, public attention is being focused on the treatment of these people across the Mediterranean. Such tragedies are happening in Europe as in other regions but this is no excuse for Europe not living to its values enshrined in the constitutions of European states and to their commitment towards the rights of children; of all children.

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[4] The Destination Unknown Campaign is run by 40 organisations in the Middle East, Africa, Asia, Latin America and Europe. The European members of the Campaign are the Center for Youth Integration-Serbia (http://www.cim.org.rs/?lang=en); KOPIN-Malta (http://www.kopin.org/); ARSIS-Greece (http://arsis.gr/); Service droit des jeunes-Belgium (http://www.sdj.be/); Service Social International-Switzerland (http://www.ssiss.ch/fr/la_fondation_suisse_du_ssi_0); Hope for Children-Cyprus (http://www.uncrcpc.org/) and Terre des Hommes working in 16 European countries (www.terredeshommes.org).
For further information : www.destination-unknown.org

United Nations A/HRC/29/NGO/15

General Assembly

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Human Rights Council
Twenty-ninth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Reporters Sans Frontiers International - Reporters Without Borders International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

A most extreme form of censorship

During the Human Rights Council's 22nd session in 2012, the special rapporteur on extrajudicial, summary or arbitrary executions devoted his annual report to the protection of journalists' right to life. He wrote in this report that "*freedom of expression and the concomitant right to receive information are 'meta rights' – rights on which the realization of most of other rights depends.*" He also wrote that "*journalists deserve special concern (...) because the social role they play is so important" and he referred to killing a journalist as "the most extreme form of censorship.*"

Despite the special rapporteur's observations on the particular status of journalists – observations that were important and should be hailed – extrajudicial, summary or arbitrary executions of journalists have increased since April 2012 and, in general, the safety of journalists has worsened.

- **Journalists who are victims of war crimes**

Journalists are being killed at an increasing rate and in an ever more barbaric fashion. Targeted because of their work, journalists and all those who contribute to the free exercise of freedom of information are no longer just the collateral victims of fighting, they are becoming direct targets, when they are not used as a tools of terrorist propaganda.

The US journalist James Foley was beheaded by a masked individual in a carefully staged manner before a camera in Syria in August 2014 and the video was posted online. Two weeks later, another US journalist, Steven Sotloff, was also executed in the same barbaric manner. Japanese freelance journalist Kenji Goto suffered the same fate on 31 January 2015. In Iraq, *Sama Salah Aldeen TV* cameraman and photographer Raad Mohamed Al-Azaoui was publicly executed on 11 October 2015 in Samarra, a city controlled by Islamic State (IS).

The beheadings of journalists in 2014 showed the scale of the violence that some are prepared to use against unwanted witness. Rarely have journalists been killed with such attention to the barbaric propaganda impact.

These crimes, which are part of a macabre "media plan" by armed belligerents, target people who are protected as civilians under the Geneva Conventions, as UN Security Council Resolution 1738 of 2006 and UN General Assembly Resolutions 68/163 and 69/185 pointed out. As such, they constitute war crimes. On this basis, Reporters Without Borders has asked the UN secretary-general and the members of the Security Council to refer the situation in Syria and Iraq to the prosecutor of the International Criminal Court.

Victims of non-state actors

The beheadings of journalists by IS also shows the importance of taking account of non-state actors. Aside from their motives and differences, armed non-state groups have a shared visceral intolerance of any media coverage they regard as opposed to their goals. Some of them – such as IS in Syria, Iraq and Libya, and Boko Haram in Nigeria, Cameroon and Niger – constitute a problem that exceeds the dimension of a single state because of their goals of conquering many peoples and lands. Four journalists died in Libya in 2014 as a result of violence by a loose conglomeration of Islamist groups including Ansar al-Sharia. The youngest victim was 18. Al-Shabaab bombings were responsible for the deaths of at least three journalists in Somalia in 2014. Criminal paramilitary groups continue to sow terror with almost complete impunity in Colombia. In December 2014, the Aguilas Negras, one of Colombia's leading predators of press freedom, issued three lists of journalists to be kil

Victims in war zones

Of the 66 professional journalists killed in connection with their work in 2014, two thirds were killed in war zones, either deliberately targeted or the collateral victims of fighting. In Syria, a total of 176 journalists, media workers, citizen-journalists and netizens have been killed since the start of the uprising in 2011. Israel's Operation Protective Edge against the Gaza Strip cost the lives of 15 journalists and media workers. Many journalists were targeted by the Israel Defence Forces during the offensive. Many journalists have been killed in the fighting in eastern Ukraine. At least seven journalists – of Ukrainian, Russian and other nationalities – were killed in the clashes from May 2014 to May 2015.

- **Journalists are deliberately killed during demonstrations**

Many journalists – professional and non-professional, local and foreign – have been insulted, threatened, physically attacked or killed, some deliberately, during demonstrations. Both security forces and demonstrators have been responsible for the violence. In response to the scale of the problem, the UN Security Council adopted a resolution on 28 March 2014 expressing "*concern about the number of attacks targeting human rights defenders and journalists in the context of peaceful protests.*" In Venezuela, the Bolivarian National Guard fired on journalists during demonstrations in 2014 although they were clearly identified. In Egypt, three journalists were killed by security forces while covering a demonstration by Mohamed Morsi's supporters in Cairo's Rabaa Al-Adawiya Square in August 2013. A year later, no investigation had been conducted into the massacre or deaths of journalists and no one had been arrested for these crimes.

- **Journalists are killed in detention**

In Eritrea, Africa's biggest prison for journalists, at least seven journalists have died or taken their own lives in detention since 2001. Held incommunicado in appalling conditions, they never had access to a court. The journalist Dawit Isaac has been detained since 23 September 2001 without being officially charged or tried and without being allowed visits by his lawyers, his family or the Red Cross. The co-founder of the weekly *Setit*, once Eritrea's most widely read newspaper, he was included in the Reporters Without Borders list of "Information Heroes" in 2014. He was last seen alive in January 2010. In Burma, freelance journalist Aung Kyaw Naing was killed on 4 October 2014 while being held by the army. He disappeared on 30 September and it was not until 25 October that the army acknowledged that it had killed him three weeks before, and had already buried him.

Recommendations

To the UN Human Rights Council

- Urge member states and the various UN bodies, especially the Security Council, to use all available means to refer the situation in Syria and Iraq, in which war crimes have been committed against journalists, to the prosecutor of the International Criminal Court.
- Expand the mandate of the special rapporteur on extrajudicial, summary or arbitrary executions so that he can also take account of actions by non-state entities.

To the special rapporteur on extrajudicial, summary or arbitrary executions

- Take up the issue of the safety of journalists and impunity in collaboration with the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, the working group on arbitrary detention, the working group on enforced and involuntary disappearances, the special rapporteur on the rights to freedom of peaceful assembly and of association, and the special rapporteur on the situation of human rights defenders.
- Continue systematically addressing the issue of journalists in annual reports and during visits to member states.
- Pay particular attention to abuses by armed non-state groups.

To member states

- Monitor and investigate the extrajudicial, summary and arbitrary executions and introduce legislation to bring an end to impunity for such crimes.
- Establish monitoring and investigative mechanisms for the targeting of journalists both in armed conflict situations and during peaceful demonstrations.
- Introduce human rights training for the armed forces and the police.
- Develop means to combat executions and abductions of journalists, or threats against them, by non-state actors.

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Please recycle

Anti-blasphemy laws breed intolerance

The year 2014 was marked by an increase in attacks against freedom of expression and of information committed in the name of religions. Many journalists and bloggers have been attacked, imprisoned or killed simply for challenging dogmas through criticism, satire or drawings, or simply for being perceived as not following a religion's prescriptions.

The deaths of eight journalists and media workers of *Charlie Hebdo*, in January, 2014, by fanatics because of a cartoon is one of the most recent example of the growing tension between freedom of expression and religious beliefs.

Numerous States have tried to ban insults, criticism and derision directed at religions by adopting laws prohibiting blasphemy, abuse of the sacred, insulting the feelings of believers, defamation of religions. This legislative arsenal also serves as justification to restrict freedom of expression.

- **Protection of the faith as an alibi to silence criticism**

Far from ensuring the respect of religion, these laws most often serve to block all expression critical of the system in place or of those in power. Notions as vague as "holy," "the faith of believers," the "glory of religion" are used time and again as motives to condemn dissidents as well as members of minorities or of the political opposition.

In **Saudi Arabia,** Raif Badawi, founder of the liberal *Saudi Network* website and a recipient of the 2014 Reporters Without Borders Prize for Press Freedom, was sentenced on 5 November 23014 to 10 years in prison and 1,000 lashes. These were to be inflicted publicly at a rate of 50 lashes in 20 weekly sessions. The first session took place on Friday, 9 January 2015. Subsequent sessions were postponed *in extremis*. He had been arrested on 12 June 2012 for "insulting Islam" and for having criticized the religious police.

In **Iran,** on 17 January 2015, the major reformist daily newspaper *Mardom Emroz*, an independent and influential media voice, had its publication license suspended after publishing a photo of George Clooney holding a "Je suis aussi Charlie" sign. A charge of "insulting Islam" was filed against the editor in chief.

In **Pakistan,** an anti-cyber-crime bill being debated in Parliament would allow the government to block all online content if officials deem that necessary to, among other reasons, protect "*the glory of Islam.*". A blasphemy law in Pakistan already provides for sentences including the death penalty for any insult of the Prophet.

In **Russia,** journalists have been prosecuted for "inciting religious hatred" after denouncing the economic and social influence of senior figures of the Russian Orthodox Church who traditionally have close ties to the government.

In **Greece,** in January, 2014, an Athens court sentenced a blogger to a 10-month suspended sentence for "blasphemy" and "insulting religion." The blogger had parodied a well-known Greek Orthodox monk who has attracted devotees because he is said to have prophetic powers. The blogger had tried to explain to the judges that his only purpose was to combat dangerous fundamentalism and nationalism.

- **Blasphemy laws are ineffective to promote religious faith**

By banning all forms of criticism, these laws actually erode respect for and confidence in religious doctrines.
In a resolution on *"combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons on religion or belief."* the Human Rights Council stated in 2011 that *"the open public debate of ideas, as well as interfaith and intercultural dialogue (...) can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred."*
As the special rapporteurs on freedom of expression to the UN, the OAS, the OSCE and the ACHPR stated in a joint declaration in 2012: *"Limitations on freedom of expression to protect religions (...) are often used to prevent legitimate*

criticism of powerful religious leaders and to suppress the views of religious minorities, dissenting believers and non-believers, and are applied in a discriminatory fashion."

- **Anti-blasphemy laws are incompatible with international standards**

The Human Rights Committee noted in its General Comment 34 on Article 19 of the International Covenant on Civil and Political Rights, that the provision *"requires States parties to guarantee the right to freedom of expression (...) This right includes the expression and receipt of communications of every form of idea and opinion capable of transmission to others, subject to the provisions in article 19, paragraph 3. It includes [inter alia] religious discourse, [and] embraces even expression that may be regarded as deeply offensive."* As a consequence, repression of the free expression of opinions on the grounds of offence to religious values is incompatible with the provisions of the Covenant.

In the final analysis, blasphemy laws lead to major "collateral damage" to freedom of expression by institutionalizing arbitrary boundaries on the free flow of information, ideas and opinion. Journalistic self-censorship, the rise of "taboo subjects" and the absence of criticism does much more to breed intolerance than to enhance respect of religious beliefs.

- **A reminder of the current international legal framework**

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), frames the scope and limits of freedom of expression and a well as religious beliefs.

Paragraph 3 of Article 19 of the International Covenant provides that *"The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
(a) For respect of the rights or reputations of others;
(b) For the protection of national security or of public order, or of public health or morals."

Other limitations to freedom of expression include open incitements, spoken or written, to hatred, to violence and discrimination against a community or an individual, or that pose a threat to personal privacy. General Comment 34 offers interpretation guidelines.

The article, and indeed the entire human rights framework, provides for the protection of individual rights and it is noteworthy to emphasize that it doesn't provide for the protection of religions.

RECOMMENDATIONS

To the Human Rights Council:

- Reaffirm the principles relative to freedom of expression, notably the obligation of States parties to guarantee the right to seek, receive and impart information of all kinds without regards for borders, including ideas, opinions and religious discourse that could be perceived as offensive in accordance with paragraph 3 of Article 19 of the ICCPR.
- Reaffirm that the only restrictions to freedom of expression are those specified in international law, notably by Article 19 of the International Covenant on Civil and Political Rights;
- Oppose any attempt to expand these restrictions in the name of respect for religions or religious beliefs.
- Affirm that only freedom of expression guarantees intercultural and inter-religious dialogue.

To the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression:

- Systematically devote one section of reports to the Human Rights Council to the subject of "freedom of expression and religions;"
- Collaborate with the Special Rapporteur on the Freedom of Religion or Belief to reaffirm that restrictions on freedom of expression must be limited to the protection of individual rights and fundamental freedoms and never serve to protect institutions or abstract ideas, concepts or beliefs, including those of a religious nature.

To the Member States:

- Review national legislation to repeal blasphemy laws and statutes.
- Affirm that freedom of opinion, of expression and of information are the conditions for development of open societies.